UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,438	09/11/2003	Branko D. Kovacevic	1376-0200220	7502

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EXAMINER
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ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/660,438	KOVACEVIC, BRANKO D.
	Examiner	Art Unit
	KEVIN BATES	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 June 2008*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14 and 46-58* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-14 and 46-58* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *10 June 2008* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a) ☐ All   b) ☐ Some * c) ☐ None of:
　　　　1. ☐ Certified copies of the priority documents have been received.
　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication received on June 10, 2008.

The Replacement Drawings have been received on June 10, 2008.

Claims 2, 8, and 13 has been amended.

Claims 15-45 have been cancelled.

Claims 46-58 have been newly added.

Claims 1-14 and 46-58 are pending in this application.

Examiner's Note

The Examiner would like to note that the present application has been

reassigned to a new Examiner.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 13-14 are rejected under 35 U.S.C. 102(e) as being

anticipated by Okamoto (7280566).

Regarding claims 1 and 46, Okamoto teaches a method comprising the steps

of: receiving a first data stream of multimedia data, wherein the multimedia data

includes a first protocol and further wherein the first protocol is unknown; determining,

based upon a first portion of the first data stream, the first protocol of the multimedia

data (Col. 23, lines 18 – 36; Col. 23, line 29 – Col. 24, line 10).

Regarding claim 2, Okamoto teaches the method as in claim 1, wherein the first

protocol is one of a set of predefined protocols comprising MPEG-2, Direct TV, and

DVD protocols (Col. 23, lines 56 – 64).

Regarding claims 3 and 47, Okamoto teaches The method as in claims 1 and

46, further comprising: storing a second portion of the first data stream in memory after

the step of determining the first protocol (Col. 23, lines 37 – 45).

Regarding claims 4 and 48, Okamoto teaches The method as in claims 3 and

47, wherein the second portion of the first data stream is received after the first portion

of the first data stream(Col. 23, lines 37 – 45; where the second portion is the step of

keeping the packet information to extract further information).

Regarding claims 5 and 49, Okamoto teaches the method as in claims 3 and

47, wherein the second portion of the first data stream includes the first portion of the

first data stream (Col. 23, lines 37 - 45).

Regarding claims 6 and 50, Okamoto teaches the method as in claims 3 and 47, further comprising generating a database based on the second portion (Col. 25, lines 59 – Col. 26, line 58).

Regarding claims 7 and 51, Okamoto teaches the method as in claims 6 and 50, further comprising parsing the second portion of the first data stream to determine a first set of descriptors associated with the first data stream (Col. 23, lines 40 - 46).

Regarding claims 8 and 52, Okamoto teaches the method as in claims 7 and 51, wherein the first set of descriptors includes a descriptor from the set of descriptors comprising a network identifier, multiplex information, and program information (Col. 23, lines 40 - 65).

Regarding claims 9 and 53, Okamoto teaches the method as in claims 8 and 52, wherein multiplex information includes transport stream identifiers and program identifiers (Col. 23, lines 40 - 46).

Regarding claims 10 and 54, Okamoto teaches the method as in claims 8 and 52, wherein the program information includes program numbers, program recovery clock identifiers, video data identifiers and audio data identifiers (Col. 2, lines 20 – 62; Col. 4, line 46 – Col. 5, line 20).

Regarding claims 13 and 57, Okamoto teaches the method as in claims 1 and 47, wherein the memory includes a frame buffer (Col. 12, line 65 - Col. 13, line 16).

Regarding claims 14 and 58, Okamoto teaches the method as in claims 1 and 46, further comprising: receiving a second data stream of multimedia data, different from the first data stream, wherein the multimedia data of the second data stream

includes a second protocol, different from the first protocol and further wherein the

second protocol is unknown; determining, based upon a first portion of the second data

stream, the second protocol of the multimedia data of the second data stream (Col. 12,

lines 37 – 46; Col. 23, lines 18 – 36; Col. 23, line 29 – Col. 24, line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-12 and 55-56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Okamoto in view of the examiner's official notice.

Regarding claims 11 and 55, Okamoto teaches the method as in claims 8 and

52 and analyzing and filtering packet streams based on any type of extracted

management information (Col. 4, line 46 – Col. 5, line 20) and whether is an elementary

stream (Col 34, lines 30 - 39), but Okamoto does not explicitly indicate wherein the set

of descriptors further includes elementary stream information and closed captioning

information.

The examiner takes "official notice" that elementary stream information and

closed captioning information are types of information that can be extracted from

packets and used to help process a media stream.

Regarding claims 12 and 56, Okamoto teaches the method as in claims 11 and 55, and analyzing and filtering packet streams based on any type of extracted management information (Col. 4, line 46 – Col. 5, line 20) and whether is an elementary stream (Col 34, lines 30 - 39), but Okamoto does not explicitly indicate wherein the set of descriptors further includes elementary stream information and closed captioning information.

The examiner takes "official notice" that data stream types and elementary stream identifiers are types of information that can be extracted from packets and used to help process a media stream.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2153